

REMARKS

Status of Claims

The Office Action mailed November 28, 2007 has been reviewed and the comments therein were carefully considered. Claims 1-12, 18 and 19 are pending in the application, and are currently rejected.

Claim Rejection Under 35 U.S.C. 103

Claims 1, 4, 5, 7, 10, 11, and 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Knee et al. (US Patent Application Publication 2002/0095676) and further in view of Klarfeld et al. (US Patent Application Publication 2003/0067554). Applicant traverses this rejection.

The Office Action states on pages 3-4 that Klarfeld teaches the plurality of demographic profiles are determined by behavior peaks indicated by the second set, and refers to Klarfeld paragraph [0230] and Figure 36.

Applicant has amended Claims 1 and 7 to clarify that the present invention as claimed determines a plurality of demographic profiles based on the second set, wherein different ones of the plurality of demographic profiles are determined by different behavior peaks. Support for this clarification is provided in the specification, inter alia, in paragraph 19.

Applicant asserts that Klarfeld does not teach or suggest this feature. Klarfeld describes that multiple profiles are created only by contiguous user actions. As described by Klarfeld in paragraphs [0231]-[0234]:

[0231] Sets of consecutive user action records are grouped together to form usage pattern records. Usage pattern records can be in the form of arrays of user action records. **Only user actions that occur contiguously are grouped together in a single usage pattern record.** The usage pattern records can be formed using many methods, some of which are:

[0232] 1. Grouping together all user action records that are **in a single usage session into a single usage pattern records**. This is represented graphically in FIG. 38a.

[0233] 2. Grouping together all user action records that are in a single usage session into a one or more usage pattern records where each usage pattern record has a predetermined number of user action records. This is represented graphically in FIG. 38b.

[0234] 3. Grouping together a predetermined number of **consecutive user action records** in a usage session into one or more usage pattern records where each usage pattern record has a number of user action records which overlap with some of the user action records in an adjacent usage pattern record. This is represented graphically in FIG. 39.

Applicant notes that the Klarfeld reference does not include the Figs. 38a, 38b or 39 that are referred to in the above excerpt of the Klarfeld disclosure, so no further information is provided in the referenced figures. However, this disclosure makes clear that Klarfeld requires contiguous user actions in order to group the user actions into a profile. Applicant asserts that this is completely different from creating a different demographic profile for different behavior peaks as indicated by the second set, as recited by Claims 1 and 7. Applicant asserts that none of the other cited references, either alone or combined, teach or suggest this feature, and therefore Claims 1 and 7, and all claims that depend upon them, are allowable over the cited prior art.

With regard to Claims 18 and 19, the Office Action on page 4 states that McClard teaches the recited features in Col. 5 lines 52-65, in that “The viewer’s reception history is updated each time a program is tuned for at least a predetermined period.” Applicant asserts that this has no bearing on the recitation of Claim 18. Claim 18 recites “**adding a category** from a first set of broadcasted programs provided by a media provider to a second set of categories of broadcasted programs in response to multiple selecting **of the category** from the first set.” McClard at Col. 5 lines 52-65 discloses updating the user’s past **reception history**, which is entirely different from adding categories to the second set. Updating the category sets is entirely different from updating a program reception history. Further, Claim 18 does not require tuning a program for a predetermined period, only that the category be selected multiple times. Accordingly, Applicant asserts that Claim 18 is allowable separate from its dependence on an allowable parent claim. This same argument also applies to Claim 19.

Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Knee et al. (US Patent Application Publication 2002/0095676) further in view of Klarfeld et al. (US Patent Application Publication

2003/0067554) as applied to claims 1 and 7 above, and further in view of Ellis et al. (US Patent Application Publication 2003/0020744), herein Ellis. Applicant traverses this rejection. These claims depend from allowable independent claims and are therefore allowable.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US Patent 6,438,752 B1) in view of Knee et al. (US Patent Application Publication 2002/0095676) further in view of Klarfeld et al. (US Patent Application Publication 2003/0067554) as applied to claims 1 and 7 above, and further in view Schaffer et al. (US Patent Application Publication 2002/0104087), herein Schaffer. Applicant traverses this rejection.

The Office Action on page 6 states that Schaffer discloses verifying profile updates with a viewer in paragraph [0048]. Applicant disagrees. Claim 6 recites verification the adding of a category from the first set to the second set. The second set is used to help define a **demographic profile**. Schaffer at paragraph [0048] discloses querying a user to rate a program being watched, or a program that received a conflicting recommendation score. This is verification of a rating for a **program**. Schaffer does not describe a verification for a user demographic profile, let alone a verification of the adding of a category from the first set to the second set. Accordingly, Applicant asserts that Claim 6 is allowable separate from its dependence on an allowable parent claim. This same argument also applies to Claim 12.

Conclusion

All rejections having been addressed, Applicant respectfully requests entry of the present amendment and notification of allowance. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

Date: February 28, 2008

By: /David Lowry/
David D. Lowry
Registration No. 38,538
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109-1775
Telephone: 617-720-9600
Fax: 617-720-9601

564692_1.DOC